

City Council Minutes

The Round Rock City Council met in Regular Session on Thursday, January 13, 2005, in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER:

Mayor Maxwell called the Regular Session to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Tom Nielson, Councilmember Scot Knight, and Councilmember Scott Rhode. Councilmember Gary Coe was absent. Also present were City Manager Jim Nuse and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

O'Barr Rost, 103 E. Main Street, spoke favorable on the City's proposed Tree Protection and Preservation regulations.

PRESENTATIONS:

5.A.1. Consider a presentation of a report by The Perryman Group analyzing the economic impact of Streamline Sales Tax implementation on selected Texas cities.

David Kautz, Assistant City Manager/Chief Financial Officer made the staff presentation. He provided an overview of the report concerning the economic impact of a full streamline sales tax implementation including destination-based tax liability from the Perryman Group. As stated in the Executive Summary of the Streamlined Sales Tax Project, December 2004, the rise of Internet and e-commerce purchases during the dot-com boom of the 1990's and the associated questions regarding sales tax collections led to the creation of the Streamlined Sales Tax (SST) project in March of 2000. First organized by a handful of state and local governments interested in simplifying and revamping the country's local sales tax laws, the project

now includes forty-two states and the District of Columbia. As of April 2004, twenty states, including Texas, have approved all or part of new legislation designed to meet the requirements of the SST project. The Perryman Group report focuses on the impact of a change in sales tax sourcing rules, the most serious Streamlined Sales Tax project requirement affecting Round Rock and many other cities.

In addition, Mr. Kautz offered the following information.

- Dr. Perryman was commissioned to conduct this report.
- While there are clearly potential advantages to aspects of the SST initiative, there is emerging evidence that the likely gains to states may have been significantly overstated in early analyses.
- Many cities across the state will be harmed by the provisions of the SST initiative. In several cases, the majority of local sales taxes would be lost, undermining financial stability, disrupting long-range planning and commitments, and impairing the capacity to provide necessary public services.
- Implementation of a destination-based mechanism without careful consideration of the effects on local areas could be devastating to cities across the state.
- \$30 million loss of gross, \$20 million loss of personal income, \$20 million loss in retail sales, and 451 jobs will be lost.
- Texas is not in compliance with the project.
- Impact of SST on Round Rock.

5.B.1. Consider a presentation regarding the policies and guidelines of the Southwest Downtown Plan. Joe Vining, Executive Director of Community Development made the staff presentation. The planning process began with a survey of neighborhood residents, property owners, and business owners, which formed the basis for topics selected for discussion in eleven neighborhood workshops held from June 2003 through September 2004. The process culminated with an open house to present a draft of the Southwest Downtown Plan to the neighborhood in November 2004. The Southwest Downtown Plan, a proposed amendment to the General Plan, presents recommendations to revitalize and enhance the Southwest

Downtown Area of Round Rock. This area is bounded by IH-35 to the West, Round Rock Avenue to the North, Mays Street to the East, McNeil Road to the Southeast, and Lake Creek to the Southwest. With the construction of the Municipal Office Complex and plans for street improvements and utility upgrades, the Plan Area is changing significantly. In addition, many of the once single-family residences have been converted into offices.

The Southwest Downtown Plan seeks to accommodate change in the area while:

- Incorporating public input in the planning process
- Revitalizing the district's infrastructure, including streets, curbs, sidewalks, utilities and drainage
- Accommodating existing single family residences by examining the compatibility of land uses.
- Providing for new uses and for the redevelopment of existing buildings.
- Increasing public and private parking.
- Protecting and enhancing the special character of the area.
- Creating a pedestrian friendly environment.
- Proposed Mixed-Use (MU-1) Zoning District to promote a mixture of residential and commercial uses.

The Plan will be presented to the Planning and Zoning Commission for recommendation in January and to the City Council for adoption in February.

PUBLIC HEARINGS:

6.A.1. Consider public testimony regarding an application filed by Craig and Carolyn Brinegar to adopt original zoning of District SR (Senior) for 1.498 acres of land. (Brinegar Subdivision) (1251 South A.W. Grimes Boulevard) Jim Stendebach, Planning Director made the staff presentation. This tract is located east of AW Grimes Boulevard, north of Gattis School Road and just south of the entrance to the Turtle Creek Subdivision. The owner is requesting original zoning of Senior District for a proposed 31 unit two story assisted senior care facility. Currently there is a

small cemetery on the property, which will be protected and preserved in its current configuration and the owner is researching a historic designation for the cemetery. The Senior District is a transitional district from residential uses to commercial uses. This location is very well suited for this type of zoning due to the surrounding single-family residential subdivisions to the north and east and the commercial uses at the corner of AW Grimes Boulevard and Gattis School Road. The zoning request received a positive recommendation at the Planning and Zoning Commission meeting on December 1, 2004.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

6.A.2. Consider public testimony regarding an application filed by Old Settlers Association of Williamson County to rezone 0.887 acres of land from District OS (Open Space) to District C-1 (General Commercial) (3200 E. Palm Valley Boulevard) Councilmember Nielson disclosed that he would be abstaining from the discussion and vote on this item due to a previous business relationship with individuals associated with this tract. Councilmember Nielson submitted the appropriate conflict of interest affidavit.

Jim Stendebach, Planning Director made the staff presentation. The 0.887acre tract is located north on Hwy 79 and west of Harrell Parkway. In 1988, 422 acres of land known as Old Settlers Park was annexed and given interim zoning of SF-1. A portion being 2.78 acres of the 422 acres was rezoned to C-1 per Ordinance #1274 approved by the City Council on January 26, 1989. As right-of-way for the adjacent highway was acquired for proposed improvements, the size of the commercial tract was diminished to approximately 1.75 acres. The proposed rezoning will allow the Association to reclaim the 2.78 acre General Commercial (C-1) tract by rezoning a 0.887 acre strip of land that is currently zoned Open Space (OS), adjacent to the remaining commercial tract. The rezoning will also allow the

owner to develop the property as it was intended for recreational type commercial uses per the Declaration of Covenants, Conditions and Restrictions recorded in Volume 1760, Page 468-473. The rezoning request received a positive recommendation at the Planning and Zoning Commission meeting on December 1, 2004.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

6.A.3. Consider public testimony regarding an application filed by Paul Cates Stable, LLC to adopt original zoning of District SF-R (Single Family-Rural Lot) on 13.088 acres of land. (2900 Gattis School Road) This item was withdrawn from the agenda at the request of the applicant.

6.A.4. Consider public testimony regarding an application filed by Paul Cates Stable, LLC to rezone 2.609 acres of land from District SF-1 (Single Family-Large Lot) to District SF-R (Single Family-Rural Lot). (2900 Gattis School Road) Jim Stendebach, Planning Director made the staff presentation. This 2.609-acre tract is located north on Gattis School Road, east of Round Rock Ranch Boulevard and west of the abandoned MoKan Railroad. The 2.609 acres was annexed and zoned interim SF-1 as part of the acquisition of right-of-way for the improvements of Gattis School Road per Ordinance # 891 in October 1986. The owner of the property has requested a rezoning of single-family large lot zoning district to single family rural zoning district. The intended use is for a riding academy. The single-family rural district allows livestock storage as a conditional use with a listing of restrictions in Chapter 2 of the City Code of Ordinance and the owner is fully aware of the restrictions. This proposed zoning district is

compatible with the existing residential surrounding uses. In light of the riding academy's low intensity, use the existing traffic conditions should not be adversely affected at Gattis School. The rezoning request received a positive recommendation at the Planning and Zoning Commission meeting on December 1, 2004.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

6.A.5. Consider public testimony regarding proposed amendments to Chapter 11, Sections 11.407 and 11.800, Zoning, Round Rock Code of Ordinances (1995 Edition) for conformance with revised Townhouse provisions. Jim Stendebach, Planning Director made the staff presentation. Staff presented amendments to the Townhouse (TH) zoning district to include provisions allowing for the development of detached units. Currently the district provides for attached dwelling units only. The State legislature currently allows for the development of "bare land" condominiums. This configuration allows for the development of detached cluster housing under condominium ownership. It does not require the connection of two or more units traditionally required to qualify for a condominium regime, thus providing for greater flexibility in design for condominium developments. Detached units on one lot will be required to have ten feet of separation between structures. This separation reflects the same spacing standards required in the single-family residential district. In addition, the area of separation will be free from any encroachments such as accessory buildings, eaves and roof overhangs. Adoption of the amendments to the TH zoning district will accomplish the following: first, the amendments will ensure that the City's zoning ordinance is consistent with state legislation, and, second, it will help the city meet its General Plan 2000 goal to provide a mix of housing options with respect to both housing type and affordability. The Planning and Zoning

Commission rendered a favorable recommendation regarding the proposed amendments on December 1, 2004.

Mayor Maxwell opened the public hearing. There being no public testimony, the public hearing was closed.

CONSENT AGENDA:

All items listed with an asterisk were considered to be routine by the City Council and were enacted by one motion with no separate discussion.

*8.A. Consider approval of the City Council minutes for November 23, 2004 and December 16, 2004

*10.E.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Agreement for Engineering Services with Espey Consultants, Inc. for the Hester's Crossing Channel Improvements Project.

*10.F.2. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 2 to the Agreement for Engineering Services with HDR Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123.

MOTION: Councilmember Rhode moved to approve all the items on the consent agenda. Councilmember Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*8.A. Consider approval of the City Council minutes for November 23, 2004 and December 16, 2004. This item was approved under the consent agenda.

ORDINANCES:

9.A.1. Consider an ordinance amending Section 3.01 Work Scheduling of the Human Resources Policies and Procedures Manual. (First Reading) Teresa Bledsoe, Human Resources Director made the staff presentation. Currently, non-exempted employees are recording extra time worked after 5:01 p.m. on the last Friday of a pay period as time worked during the next pay period. This change provides greater consistency and efficiency in reporting time worked and processing payroll. This change will also make it easier for employees to understand that the last workday of the pay period is not divided.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 3.01 OF THE HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL, CONCERNING WORK SCHEDULING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance.

Councilmember Rhode seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

MOTION: Councilmember Nielson moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

9.B.1. Consider an ordinance adopting Tree Protection and Preservation regulations. (Second Reading) Sharon Prete, Parks and Recreation Director made the staff presentation. This is the second reading of the revision to Chapter 3; Section 3.1100, which is insufficient to meet various development and tree protection needs in the City. The expanded document provides details, clarification and processes related to development, tree removal, preservation and protection as well as tree mitigation. Revisions made to the proposed ordinance since the first reading are as follows:

1. Sections 3.1108(2)(a)(v) and (3)(a)(v) were revised to include a request to use a "Tree Inventory".
2. Sections 3.1108(2)(b)(iv) and (2)(b)(v) were revised to include the submission of "Tree Replacement Plans" during the construction plan process.
3. Section 3.1108(3) was revised to include the submission of "Tree Protection Plans" to the Development Review Committee.
4. Section 3.1108(3)(b)(ii) was revised to include the submission of the "Tree Protection Plan" along with the site development permit application.
5. Section 3.1109(2)(a) was revised to reduce the payment amount from \$250 to \$150.
6. Section 3.1109(3)(a) was revised for clarification of the size of trees acceptable for credit.

ORDINANCE NO. _____

AN ORDINANCE AMENDING IN ITS ENTIRETY CHAPTER 3, SECTION 3.1100, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO ESTABLISH THE REQUIREMENTS FOR THE REMOVAL AND REPLACEMENT OF PROTECTED TREES; DEFINING TERMS; ESTABLISHING FEES; ESTABLISHING THE TREE FUND; PROVIDING CERTAIN PENALTIES AND REMEDIES; PROVIDING FOR A SAVINGS CLAUSE AND PENALTY CLAUSE; AND REPEALING ALL CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance.

Councilmember Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson |
| | | Mayor Pro-tem McGraw |
| | | Councilmember Knight |
| | | Councilmember Rhode |

Nays: Mayor Maxwell
None
Absent: Councilmember Coe

ACTION: The motion carried unanimously.

9.B.2. Consider an ordinance adopting the Champion Tree Registry. (First Reading)

Emsud Horozovic, Forestry Manager made the staff presentation. The existing ordinance does not have regulations to protect Monarch trees. The Champion tree registry list will be used for the purpose of registering all trees that are champions for the City and will be a benchmark for Monarch trees. The Champion trees are the biggest trees of its species in the City. They are used to set benchmarks for Monarch trees which are new to the existing ordinance. This initial list is compiled of currently know Champion trees and will be updated in the spring of next year.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE "CITY OF ROUND ROCK CHAMPION TREE REGISTRY, JANUARY 2005 " TO ESTABLISH A LIST OF THE LARGEST TREE OF A SPECIES, KNOWN AS CHAMPION TREES; DESIGNATING THE CHAMPION TREES LISTED IN THE REGISTRY AS MONARCH TREES; PROVIDING FOR A SAVINGS CLAUSE; AND REPEALING ALL CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-Tem McGraw moved to adopt the ordinance.

Councilmember Nielson seconded the motion.

VOTE: Ayes: Councilmember Nielson
Mayor Pro-tem McGraw
Councilmember Knight
Councilmember Rhode
Mayor Maxwell
Nays: None
Absent: Councilmember Coe

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Knight seconded the motion.

Nays: None

Absent: Councilmember Coe

9.C.1. Consider an ordinance annexing 1.498 acres of land out of the P.A.

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 1.498 ACRES OF LAND OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN WILLIAMSON COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

Councilmember Rhode seconded the motion.

Nays: None

Absent: Councilmember Coe

MOTION: Councilmember Nielson moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-Tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

9.C.2. Consider an ordinance adopting original zoning of District SR (Senior) for 1.498 acres of land. (Brinegar Subdivision) (1251 South A.W. Grimes Boulevard) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing portion of the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 1.498 ACRES OF LAND, OUT OF THE P.A. HOLDER SURVEY, ABSTRACT NO. 297, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DISTRICT SR (SENIOR).

MOTION: Councilmember Rhode moved to adopt the ordinance.
Councilmember Nielson seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Nielson seconded the motion.

VOTE:

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| Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| Nays: | None |
| Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

9.C.3. Consider an ordinance rezoning 0.887 acres of land from District OS (Open Space) to District C-1 (General Commercial) (3200 E. Palm Valley Boulevard) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing portion of the meeting.

MOTION: Councilmember Rhode moved to adopt the ordinance.

Councilmember Knight seconded the motion.

VOTE:

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| Ayes: | Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| Nays: | None |
| Abstain: | Councilmember Nielson |
| Absent: | Councilmember Coe |

ACTION: The motion carried with 4 ayes and 1 abstention.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Rhode seconded the motion.

VOTE:

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| Ayes: | Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| Nays: | None |
| Abstain: | Councilmember Nielson |
| Absent: | Councilmember Coe |

ACTION: The motion carried with 4 ayes and 1 abstention.

9.C.4. Consider an ordinance annexing 13.088 acres of land out of the P.A. Holder Survey. (2900 Gattis School Road) (First Reading) This item was withdrawn from the agenda at the request of the applicant.

9.C.5. Consider an ordinance adopting original zoning of District SF-R (Single Family-Rural Lot) on 13.088 acres of land. (2900 Gattis School Road) (First Reading)

This item was withdrawn from the agenda at the request of the applicant.

9.C.6. Consider an ordinance rezoning 2.609 acres of land from District SF-1 (Single Family-Large Lot) to District SF-R (Single Family-Rural Lot). (2900 Gattis School Road) (First Reading) Jim Stendebach, Planning Director made the staff

presentation for this item during the public hearing portion of the meeting.

MOTION: Councilmember Nielson moved to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

MOTION: Councilmember Rhode moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilman Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

9.C.7. Consider an ordinance amending Chapter 11, Sections 11.407 and 11.800, Zoning, Round Rock Code of Ordinances (1995 Edition) for conformance with revised Townhouse provisions. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing portion of the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 11 AND 8, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO ALLOW DETACHED RESIDENTIAL DEVELOPMENT IN THE TH (TOWNHOUSE) DISTRICT; TO AMEND REFERENCES TO "FEE SIMPLE TOWNHOUSES" TO "SINGLE-UNIT TOWNHOUSES;" TO AMEND REFERENCES TO "CONDOMINIUM TOWNHOUSES" TO "MULTI-UNIT TOWNHOUSES;" TO AMEND THE TOWNHOUSE SETBACK REQUIREMENT; TO AMEND THE DEFINITION OF "TOWNHOUSE"; TO ADD DEFINITIONS FOR "MULTI-UNIT TOWNHOUSE" AND "SINGLE-UNIT TOWNHOUSE;" AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance.

Councilmember Nielson seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

MOTION: Councilmember Nielson moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

RESOLUTIONS:

10.A.1. Consider a resolution authorizing the City Manger to issue a purchase order to Barco Media, L.L.C. for a new video display system for the scoreboard at Dell Diamond. David Kautz, Assistant City Manager/Chief Financial

Officer made the staff presentation. The existing video display system can no longer be restored to full performance through maintenance and repair. The Video Display System replaces the existing system at Dell Diamond. Two competitive quotes from reputable companies were received and analyzed. Barco Media provided the best proposal in the amount of \$187,207. Staff recommended acceptance of the Barco Media System. The new video display system will be installed prior to the opening of the first game.

A representative of Barco Media was present to address questions from the Council.

Mayor Maxwell noted that no taxpayer's money is being used to replace this equipment. The cost of the equipment will be paid from Hotel Occupancy Tax funds.

RESOLUTION NO. _____

WHEREAS, the current scoreboard at the Dell Diamond stadium is in need of repair, and

WHEREAS, the repair of the scoreboard consists of replacing the current obsolete video display system ("System"), and

WHEREAS, the replacement of the System is a high technology procurement under the terms of Chapter 252 of the Local Government Code, and

WHEREAS, the City of Round Rock has duly advertised for competitive sealed proposals for the System, and

WHEREAS, Barco Media, L.L.C. has submitted the lowest proposal and the proposal which provides the best value to the City, and

WHEREAS, the City Council wishes to accept the proposal of Barco Media, L.L.C., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the proposal of Barco Media is hereby accepted and the City Manager is hereby authorized and directed to issue a purchase order to Barco Media, L.L.C. for the purchase of a video display system for the Dell Diamond stadium.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

NYLE MAXWELL,
Mayor
City of Round Rock,

Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Councilmember Knight moved to approve the resolution.

Councilmember Nielson seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

10.B.1. Consider a resolution authorizing the Mayor to execute a contract with H. Deck Construction Company for the Wastewater Collection System Rehabilitation of three Edwards Aquifer Basins. Tom Clark, Water and Wastewater Utilities Director made the staff presentation. The City is required to inspect, repair, and certify its wastewater collection system in compliance with the Texas Commission on Environmental Quality's Edwards Aquifer Recharge Zone Protection Program. The elimination of defects will reduce inflow and infiltration entering the sewer system, thereby reducing the City's treatment cost to the LCRA and BRA, who own and operate the Brushy Creek Regional Wastewater Treatment Plant. Two bids were received for this project and H. Deck Construction Company submitted a bid of \$1,200,298 and was the low bidder. This project will rehabilitate defective areas determined from the Wastewater Collection System Inspection Project in three Edwards Aquifer Basins (LC15-Z, LC16-Z, and CC34-Z). The scope of the project includes 2,287 linear feet of pipe bursting, 2,408 linear feet of wastewater line replacement, 480 feet of 18" bore and encasement, 43 point repairs, and rehabilitation of 239 manholes.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins, and
WHEREAS, H. Deck Construction has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of H. Deck Construction,
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with H. Deck Construction for the Wastewater Collection System Rehabilitation of Three Edwards Aquifer Basins.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

Mayor

NYLE MAXWELL,
City of Round Rock,
Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Councilmember Nielson moved to approve the resolution. Mayor

Pro-Tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

10.C.1. Consider a resolution adopting the Tree Technical Manual. Emsud

Horozovic, Forestry Manager made the staff presentation. Currently, most of the developers are submitting plans based on the City of Austin ordinance or by common practice in this area. The Tree Technical Manual: Standards and Specification will standardize tree surveys, protection methods, and tree replacements. This is a new manual that has been developed for the purpose of having standards and

specification in regards to tree surveys, tree protection and tree replacement/ planting. Standards are developed based on common practices already used in this area.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has prepared the "Tree Technical Manual: Standards and Specifications, January 2005," which provides standards and specifications based on generally accepted practices for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated under Section 3.1100, City of Round Rock Code of Ordinances, 1995 edition, and

WHEREAS, the City Council wishes to adopt the "Tree Technical Manual: Standards and Specifications, January 2005," Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the City Council hereby adopts the "Tree Technical Manual: Standards and Specifications, January 2005," a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

MAXWELL, Mayor
City of Round Rock,
Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Mayor Pro-Tem McGraw moved to approve the resolution.

Councilmember Knight seconded the motion.

VOTE:

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| Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| Nays: | None |
| Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

10.D.1. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement for In School Officers with the Round Rock Independent School District.

Bryan Williams, Chief of Police made the staff presentation. This is the fifth year of participation with the Round Rock Independent School District for in-school officers. Approval of the contract will allow the City to continue providing its citizens with safe and healthy school environments. The number of officers assigned to schools will determine the cost. The only change in the request is that the School District would like to reimburse it's 50% of salary and benefit expenses for this service at the end of the school year

The Council expressed their concern of the payment schedule and asked staff to renegotiate the period for payment.

RESOLUTION NO. _____

WHEREAS, Chapter 791 of the Texas Government Code, V.T.C.A., authorizes local governments and agencies of the state to enter into agreements with one another to perform governmental functions and services, and

WHEREAS, the City of Round Rock wishes to enter into an Interlocal Agreement for In School Officers with the Round Rock Independent School District to provide for the reimbursement of salary and benefits expenses for In School Officers, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Interlocal Agreement for In School Officers with the Round Rock Independent School District, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

MAXWELL, Mayor

Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

NYLE

City of Round Rock,

MOTION: Councilmember Rhode moved to table the resolution.

Councilmember Nielson seconded the motion.

VOTE: Ayes: Councilmember Nielson

Mayor Pro-tem McGraw
Councilmember Knight
Councilmember Rhode
Mayor Maxwell
Nays: None
Absent: Councilmember Coe

ACTION: The motion carried unanimously.

*10.E.1. Consider a resolution authorizing the Mayor to execute
Supplemental Agreement No. 1 to the Agreement for Engineering Services with
Espey Consultants, Inc. for the Hester's Crossing Channel Improvements Project.

This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services with Espey Consultants, Inc. for the Hester's Crossing Channel Improvements Project, and

WHEREAS, Espey Consultants, Inc. has submitted Supplemental Agreement No. 1 to the Agreement for Engineering Services for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with Espey Consultants, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,
That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement for Engineering Services with Espey Consultants, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

10.E.2. Consider a resolution authorizing the Mayor to execute a contract
with M.B. Bender Company, Inc. the Joyce Lane Improvements Project. Danny
Halden, City Engineer made the staff presentation. The City received and opened five
bids on December 21, 2004 for the Joyce Lane Improvements Project. M. B. Bender
Company, Inc. submitted the lowest qualified bid. This project includes the
construction of water, wastewater, drainage, and street improvements. The area for
which these improvements are planned is an unrecorded subdivision within the city

limits of Round Rock. The street is not curbed and is unpaved. All the owners in the subdivision currently have private water wells and on-site septic systems. The planned improvements will provide a 30 foot paved street with curb and gutter, storm sewer improvements, and a water main extension that will enable the lots to connect to the City's water system at some future date. Legally subdividing the lots is still being contemplated, but with so many owners it is a slow, laborious process. Many meetings and discussions were held with the various property owners in the unrecorded subdivision. The improvements and platting are being funded with a 1998 bond issuance. The cost of the project is \$215,668.05

In response to Mayor Maxwell's question, Mr. Nuse explained the reasons for the delay of this project.

Mr. Halden explained that some of the issues were in regard to easements, trust, flood plain requirements and the elimination of a resident's property from the project.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Joyce Lane Improvements Project, and

WHEREAS, M.B. Bender Company, Inc. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of M.B. Bender Company, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with M.B. Bender Company, Inc. for the Joyce Lane Improvements Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

Texas

NYLE MAXWELL,
Mayor
City of Round Rock,

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Councilmember Nielson moved to approve the resolution. Mayor Pro-Tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

10.F.1. Consider a resolution authorizing the Mayor to execute a contract with Viking Construction, Inc. for the Street Maintenance Program Phase I/Slurry Seal - 2004. Danny Halden, City Engineer made the staff presentation. The type of surface treatment will give the City streets an extended life as well as a better skid resistant value. Viking submitted a bid in the amount of \$734,334.60. This contract will encompass the Oaklands, Oak Creek, Oak Bluff, Flower Hill, Brushy Slopes, and Corridor Park subdivisions. This project will also include pavement repairs to Kiphen Road.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Street Maintenance Program Phase 1/Slurry Seal - 2004, and

WHEREAS, Viking Construction, Inc. has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Viking Construction, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,
That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Viking Construction, Inc. for the Street Maintenance Program Phase 1/Slurry Seal - 2004.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

Mayor
Texas
ATTEST:

NYLE MAXWELL,
City of Round Rock,

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Councilmember Rhode moved to approve the resolution.

Councilmember Nielson seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

*10.F.2. Consider a resolution authorizing the Mayor to execute

Supplemental Agreement No. 2 to the Agreement for Engineering Services with HDR

Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123. This

item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with HDR Engineering, Inc. for the final design of Red Bud Lane from US 79 to CR 123, and

WHEREAS, HDR Engineering, Inc. has submitted Supplemental Agreement No. 2 to the Agreement to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 2 with HDR Engineering, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 2 to the Agreement with HDR Engineering, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

10.F.3. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to the Agreement for Engineering Services with HDR Engineering, Inc. for IH-35 modifications from Chandler Road to Westinghouse Road. Tom Martin, Transportation Services Director made the staff presentation. The original contract with HDR Engineering for the design of this work was approved by the Council at their March 11, 2004 meeting. The original scope of this project included the reversing of the on and off ramps at Chandler Road, construction of a turnaround structure at Chandler Road, widening of the northbound frontage road in the vicinity of the Simon/Chelsea Development and intersection improvements on Chandler Road. TxDOT has requested a scope change in the proposed roadway improvements to better allow for increased traffic volumes anticipated due to the proposed Simon/Chelsea Development in the area of Chandler Road/RM 1431, IH-35, and Westinghouse Road. This increase in scope will allow for the design to include a turnaround structure at Westinghouse Road, widening Chandler Road /RM 1431 overpass to a six-lane structure, and ancillary roadway work to align with the bridge widening, miscellaneous acceleration and deceleration lane work to improve traffic flow, extending the north bound frontage road to Westinghouse Road and associated intersection improvements. The cost of this supplement is \$418,431.00.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with HDR Engineering, Inc. for IH-35 modifications from Chandler Road to Westinghouse Road, and

WHEREAS, HDR Engineering, Inc. has submitted Supplemental Agreement No. 1 to the Agreement to modify the provisions for the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 1 with HDR Engineering, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 1 to the Agreement with HDR Engineering, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was

posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

MAXWELL, Mayor

Texas

NYLE

City of Round Rock,

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

MOTION: Councilmember Rhode moved to approve the resolution. Mayor

Pro-Tem McGraw seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

10.F.4.Consider a resolution setting date, time and place for a public hearing on the creation of the Forest Creek Drive Public Improvement District. Tom Martin, Transportation Services Director made the staff presentation. A petition regarding the creation and establishment of the Forest Creek Drive PID was submitted to the City. Staff would like to conduct a public hearing to consider the creation of the PID. Forest Creek Drive is a major arterial shown in the City's Transportation Master Plan. The City currently has a project to construct the remaining portions of this facility between Rusk Road and the Lake Forest Subdivision. This project is being funded by the Transportation System Development Corporation Funds and developer contributions made through Cost Sharing/Development Agreements. However, the portion of this project through Round Rock Ranch is to be paid by means of a PID. The contract for this construction, for \$2,969,564.65, was award by the City Council

at the August 26, 2004 meeting. The public hearing will be held at the Council's February 10th meeting.

RESOLUTION NO. _____

A RESOLUTION SETTING A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE CREATION OF THE FOREST CREEK DRIVE PUBLIC IMPROVEMENT DISTRICT; AND AUTHORIZING PUBLICATION OF NOTICE OF SAID HEARING.

WHEREAS, a petition regarding the creation and establishment of the Forest Creek Drive Public Improvement District has been submitted to the City, and

WHEREAS, the City desires to call a public hearing to consider the creation of the Forest Creek Drive Public Improvement District, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

I.

That a public hearing regarding the creation and establishment of the Forest Creek Drive Public Improvement District shall be held before the City Council of the City of Round Rock, Texas on the 10th day of February, 2005 at 7:00 p.m. in the City Council Chambers at 221 East Main Street, Round Rock, Texas 78664.

II.

That the City Secretary is directed to give proper notice of the hearing as required by Section 372.009 of the Local Government Code.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 13th day of January, 2005.

MAXWELL, Mayor

Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary

NYLE

City of Round Rock,

MOTION: Mayor Pro-Tem McGraw moved to approve the resolution.

Councilmember Knight seconded the motion.

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| <u>VOTE:</u> | Ayes: | Councilmember Nielson Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

11.A. Consider appointment of a Lay Representative to the Central Texas Library System. Dale Ricklefs, Library Director made the staff presentation. This position is filled by a person who does not serve as a Library staff member, and is appointed by the City Council. Bonnie Horowitz has served as this representative for the past 18 months. She has expressed interest in serving another term. Her term would expire in August 2006. The Lay Representative represents the City at 3-4 meetings per year and votes on services provided by the state-funded Central Texas Library System.

MOTION: Councilmember Rhode moved to appoint Bonnie Horowitz by acclamation. Councilmember Knight seconded the motion.

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|--------------|---------|---|
| <u>VOTE:</u> | Ayes: | Nielson Councilmember Mayor Pro-tem McGraw Councilmember Knight Councilmember Rhode Mayor Maxwell |
| | Nays: | None |
| | Absent: | Councilmember Coe |

ACTION: The motion carried unanimously.

COUNCIL COMMENTS:

Mayor Pro-Tem McGraw announced that Joseph Fite is the first military service member from Round Rock that has been killed in the Iraq war. He asked staff to bring forward ideas on how the City can honor Round Rock citizens who have been wounded or killed in this war.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:14 p.m.

Respectfully Submitted,

Christine R. Martinez, City

Secretary